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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MARIN MANAGEMENT, INC.,

Plaintiff,

v.

GALINA KUBRAK, et al.,

Defendants.

2:09-CV-1714 JCM (LRL)

ORDER

Presently before the court is plaintiff Marin Management, Inc.'s motion for default judgment. (Doc. #25). Plaintiff has also filed a motion for attorneys' fees. (Doc. #26).

I. Default Judgment

Pursuant to Federal Rule of Civil Procedure 55(a) "[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default." Federal Rule of Civil Procedure 55(b)(2) provides that a court may enter a default judgment after the party seeking default applies to the clerk of the court as required by subsection (a) of this rule.

Here, defendants Galina Kubrak,¹ Nellis Motel Company, Inc. (doc. #11), Prestige Realty & Developers, Inc. (doc. #12), and David Lapin, L.P. (doc. #22), have been duly served, but have failed to respond to the complaint. Accordingly, plaintiff applied to the clerk of the court for entry of default against each defendant on July 15, 2010 (doc. #10), and the clerk entered default on July 21,

¹ By order on March 22, 2010, Magistrate Judge Leavitt permitted the plaintiff to serve defendant Galina Kubrak by publication. (Doc. #16).

2011, (doc. #24).

Plaintiff now asks this court to enter judgment against the defendants in the principal amount of \$193,812.93, which includes late charges and other charges, plus all interest accrued thereafter and attorneys' fees and costs. (Doc. #25, p.2). The court finds that, based on the allegations of breach of contract in the complaint and the defendants' failure to defend, such relief is reasonable, and plaintiff is entitled to default judgment.

II. Attorneys' Fees and Costs

Pursuant to Local Rule 54-16, "[a motion for attorneys' fees] shall be filed with the court and served within fourteen (14) days after entry of the final judgment or other order disposing of the action." Here, final judgment has not been entered, and the motion is untimely.

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiff's motion for default judgment (doc. #25) is GRANTED, and plaintiff shall prepare an appropriate judgment for the court's signature;

IT IS FURTHER ORDERED that plaintiff's motion for attorneys' fees (doc. #16) is DENIED without prejudice.

DATED April 11, 2011.


UNITED STATES DISTRICT JUDGE